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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,153	12/22/2003	Andrew B. Cencini	MSFT-2859/306238.01	7765

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EXAMINER	
VO, HUYEN X	
ART UNIT	**PAPER NUMBER**
2626	
MAIL DATE	**DELIVERY MODE**
05/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,153	CENCINI ET AL.	
	Examiner	Art Unit	
	Huyen X. Vo	2626	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1 sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims 24-25 are drawn to a "program" *per se* as recited in the preamble (*section 25 of the specification defines computer-readable medium as carrier waves*) and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable c causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d a 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not defin any structural and functional interrelationships between the data structure and other claimed aspect of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes as they are not "acts" being performed. Such claimed computer programs do not define any

structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 6675159).

6. Regarding claims 1, 11, and 24, Lin et al. disclose a method and computer-readable medium for integrity checking of full-text indexes via component consistency checking, comprising:

generating a list of components used to build a full-text index, the list comprising at least one component list entry, the at least one component list entry comprising a version of a component used to build the full-text index (*col. 25, line 37 to col. 26, line 48*); and

comparing the at least one component list entry with a registry of components, the registry comprising at least one registry entry, the at least one registry entry

comprising a version of a component available for execution (*col. 26, line 49 to col. 27, line 22*).

7. Regarding claim 20, Lin et al. further disclose a system for checking the consistency of components used to build a full-text index and components used to query the full-text index, comprising:

a first list of components used to build the full-text index, the first list comprising at least one build component and a version associated with the at least one build component (*col. 25, line 37 to col. 26, line 48*); and

a second list of components used to query the full-text index, the second list comprising at least one query component and a version associated with the at least one query component (*col. 26, line 49 to col. 27, line 22 or tables 4-5 in col. 24*).

8. Regarding claims 2-3, Lin et al. further disclose the method of claim 1, further comprising in response to determining that the version of the component used to build the full-text index and the version of the component available for execution are incompatible, generating an error (*col. 11, lines 58-63*), and further comprising aborting mounting of the full-text index (*col. 11, lines 58-63, no document retrieved*).

9. Regarding claims 4-9, Lin et al. further disclose the method of claim 1, wherein the component used to build a full-text index comprises a wordbreaker, a protocol

component, a stemmer, a filter, a plug-in, an auto-categorizer (*within the scope of the reference*).

10. Regarding claims 10, 19, and 25, Lin et al. further disclose the method and computer-readable medium of claims 1, 11, and 24, respectively, further comprising maintaining a list of compatible versions of the at least one component list entry, such that in response to determining that the at least one registry entry is included within the list of compatible versions, an error is not generated (*col. 26, lines 49-62, no error message is generated when there is a match*).

11. Regarding claim 21, Lin et al. further disclose the system of claim 20, further comprising a list of compatible component versions (*col. 26, line 49 to col. 27, line 22 or tables 4-5 in col. 24*).

12. Regarding claims 22-23, Lin et al. further disclose the system of claim 20, wherein the at least one build component is a wordbreaker, filter, stemmer, protocol component, auto-categorizer or plug-in, and wherein the at least one query component is a wordbreaker or stemmer (*col. 26, line 49 to col. 27, line 22 or tables 4-5 in col. 24*).

13. Regarding claims 12-13, Lin et al. further disclose the method of claim 11, wherein the list comprises a filename component of a full path for the at least one

component, a full path of the at least one component (*col. 26, lines 21-29, these indexes are considered filename of a full path*).

14. Regarding claims 14-15, Lin et al. further disclose the method of claim 11, wherein the list comprises a creation time of the full-text index and a last write time of the full-text index (*within the scope of the reference, as long as the time is considered a keyword*).

15. Regarding claims 16-18, Lin et al. further disclose the method of claim 11, wherein the list comprises a manufacturer name, a class id of the at least one component, and wherein the version of the at least one component is associated with a list of compatible versions (*table 5, New York Stock Exchange, and Nasdaq*).

Conclusion

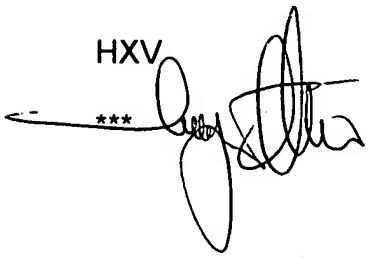
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burdick et al. (US 7185001) and Kerschberg et al. (US 7117207) are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV



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